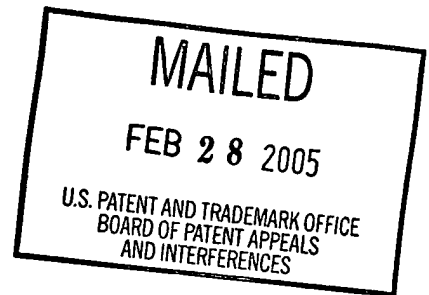


The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Ex parte ERIC A. JOHNSON,
HUEI-HSIUNG YANG,
BERIL GELDIAY-TUNCER,
WILLIAM T. HALL,
DAVID SCHREIBER, and
KWOK HO



Appeal No. 2002-1297
Application No. 08/458,019

ON REMAND TO THE EXAMINER

Before HARKCOM, Acting Chief Administrative Patent Judge, and
SCHEINER and MILLS, Administrative Patent Judges.¹

Per curiam.


That portion of our opinion mailed January 30, 2004 affirming the obviousness double patenting rejection in view of U.S. Patent 5,356,810 is hereby VACATED.

¹ Administrative Patent Judge Sherman D. Winters retired subsequent to the Board's decision mailed January 30, 2004. Accordingly, Acting Chief Administrative Patent Judge Gary V. Harkcom has been substituted for Administrative Patent Judge Winters. See In re Bose Corp., 772 F.2d 866, 869, 227 USPQ 1, 4 (Fed. Cir. 1985).

The application is being returned to the examiner for further action as may be appropriate.

VACATED and REMANDED


Gary V. Harkcom, Acting Chief
Administrative Patent Judge


Toni R. Scheiner
Administrative Patent Judge

) BOARD OF PATENT

) APPEALS AND

) INTERFERENCES


Demetra J. Mills
Administrative Patent Judge

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